THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933.

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BOMBAY ACT No. XXII OF 1933.[1]

[THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933.]

[*1st December 1933.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the improvement of live-stock.

WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided; And whereas the previous sanction of the Governor General required under sub-section (*3*) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act, have been obtained for the passing of this Act; It is hereby enacted as follows:—

26 Geo. V, c. 61.

1. This Act may be called the Bombay Live-stock Improvement Act, 1933. Short title.

2. (*a*) Section 1 and this section extend to the whole of the Presidency of Bombay Extent.
Bombay.

(*b*) On a written application made—

(*i*) by the district local board with the previous concurrence of the Director of Agriculture, or

(*ii*) by the Director of Agriculture with the previous concurrence of the district local board,

[2][the Provincial Government] may, by notification in the [3][*Official Gazette*], direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.

(*c*) Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village to which the said provisions shall have been extended under sub-section (*b*) on such date as [2][the Provincial Government] may by notification in the [3][*Official Gazette*] appoint.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) "Cow" includes a heifer;

(*2*) "Director of Agriculture" means the officer appointed for the time being to be the Director of Agriculture;

(*3*) "Licence" means a licence granted under section 6;

(*4*) "Live-stock officer" means an officer or person appointed or invested with powers under section 4;

(*5*) "Prescribed," with its grammatical variations, means prescribed by rules;

(*6*) "Rules" means rules made under section 23;

Bom. V of 1879.

(*7*) "Village" means a village as defined in the Bombay Land Revenue Code, 1879; and

(*8*) "A person is said to keep a bull," if such person owns the bull or has the bull in his possession or custody.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1933, Part V, pp. 1000-1001 and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1933, Vol. XXXVIII.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Appointment of live-stock officer.

4. [1][The Provincial Government] may, by notification in the [2][*Official Gazette*], appoint the Director of Agriculture or any other officer of the Department of Agriculture to be a live-stock officer and assign to such officer such powers and duties under this Act, as they may deem fit.

Prohibition for keeping a bull for breeding purposes.

5. No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

Grant of licences.

6. Every licence for the keeping of a bull shall be granted by a live-stock officer authorised by [1][the Provincial Government] be general or special order in this behalf in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed :

Provided that no fee shall be charged for the grant of a licence.

Refusal to grant or revocation of licence.

7. (*1*) Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

(*a*) of defective or inferior conformation and likely to beget defective or inferior progeny ; or

(*b*) permanently affected with any contagious or infectious disease ; or

(*c*) permanently affected with any other disease rendering the bull, unsuitable for breeding purposes.

(*2*) The live-stock officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

(*3*) No person shall be entitled to any compensation for the revocation of a licence under sub-section (*1*) or (*2*).

(*4*) If a licence is revoked under sub section (*1*) or (*2*), the live stock officer revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

(*5*) If the notice is duly given in accordance with the last foregoing sub-section to a person who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner accordingly, and if he fails to do so, he shall indemnify the owner against any loss the owner may suffer by reason of the failure.

Grant of duplicate licence.

8. When the live-stock officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and thereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

Duration of licence.

9. A licence granted in respect of a bull shall remain in force until—

(*a*) the period specified therein expires, or

(*b*) it is revoked under this Act, or

(*c*) the bull dies or is castrated in the prescribed manner.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Inspection of bulls.

10. Any person who keeps a bull shall at any reasonable time, either at the place where the bull is for the time being or at any other reasonable place, submit the bull for inspection by any live-stock officer when required by such officer to do so and render all reasonable assistance to that officer for the purpose of inspection.

Power to order castration of bulls.

11. (*1*) A live-stock officer may, by notice served in the prescribed manner, require that any bull which has attained the prescribed age at the date when the notice is served and in respect of which no licence is for the time being in force under this Act, shall be castrated in a prescribed manner within one month after the notice takes effect. Such castration shall, if the owner or other person who keeps the bull requires, be performed or caused to be performed by the live-stock officer free of charge.

(*2*) For the purpose of this section, a notice shall be served on the owner of the bull or on any other person who keeps the bull.

(*3*) If a notice under this section is duly served on a person who is not the owner of the bull, it shall be the duty of the person forthwith to take all reasonable steps to inform the owner accordingly, and, if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may suffer by reason of the failure.

Duty to produce licence.

12. It shall be the duty of any person who for the time being keeps a bull, if a licence is in force in respect of the bull, to produce the licence—

(*a*) within a reasonable time on demand made by a live-stock officer or an officer of the Agricultural or Veterinary Department authorized by general or special order by [1][the Provincial Government] in this behalf in any place where the bull is for the time being,

(*b*) before a cow is served by a bull on demand made by the person in charge of the cow.

Penalty for keeping a bull in contravention of this Act or rules or without or in contravention of licence.

13. Whoever in contravention of this Act or any rule or order made under this Act or of any terms, conditions or restrictions of licence keeps a bull shall, on conviction, be punishable with fine which may extend to Rs. 25.

Penalty for neglect or failure to comply with notice under section 7 or 11.

14. Whoever neglects or fails to comply with a notice served in accordance with section 7 or 11 shall, on conviction, be punishable with fine which may extend to Rs. 25.

Penalty for neglect or failure to comply with requisition under section 10 or 12.

15. Whoever neglects or fails to submit a bull for inspection when required by a live-stock officer for inspection under section 10 or whoever fails to produce a licence when required to do so in accordance with the provisions of section 12 shall, on conviction, be punishable with fine which may extend to Rs. 25.

Power of live-stock officer to castrate.

16. (*1*) Whenever an offence under section 15 has been committed, or whenever any bull has not been castrated in compliance with the notice served under section 11, it shall be competent to a live-stock officer to castrate or cause to be castrated

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

in the prescribed manner, the bull in respect of which such offence was committed or such notice was served, as the case may be. Such castration shall be performed or caused to be performed by a live-stock officer free of charge.

(*2*) It shall also be competent to a live-stock officer to seize any bull, if the person in whose ownership, possession or custody it is, for the time being, is not known or cannot be ascertained after an inquiry in the prescribed manner. On such seizure the live-stock officer may, if he is of opinion that such bull has attained the prescribed age or is suffering from any of the defects or disease specified in section 7, direct that the said bull shall be—

(*a*) castrated in the prescribed manner, and

(*b*) sold by public auction or sent to a pinjrapol: provided that if the owner of the said bull appears within fifteen days of such seizure and proves to the satisfaction of the live-stock officer that the said bull is of his ownership,—

the said bull—

(*i*) if not sold by public auction, or

(*ii*) if sent to a pinjrapol,

shall be delivered to such owner on payment of the costs, charges and expenses incurred for the maintenance of the said bull and determined in the prescribed manner, or

(*iii*) if sold by public auction, the proceeds of such sale shall be paid to such owner after deducting therefrom the costs, charges, and expenses incurred for the maintenance and sale of the said bull and determined in the prescribed manner.

Power of live-stock officer to inspect or mark a bull or to enter premises.

17. For the purposes of this Act, a live-stock officer shall have power at all reasonable times—

(*a*) to inspect any bull,

(*b*) to mark any bull with any prescribed mark in the prescribed manner,

(*c*) to enter any premises or other place in the prescribed manner where he has reason to believe that a bull is kept.

Officers bound to assist live-stock officers.

18. All village officers, all village servants useful to [1][the Provincial Government] and all officers of the departments of revenue, agriculture and veterinary shall be bound—

(*a*) to give immediate information to a live-stock officer of the commission of any offence, or the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they know or have reason to believe is about to be committed; and

(*c*) to assist any live-stock officer in carrying out the provisions of this Act.

Cognizance of offences under the Act.

19. No Court shall take cognizance of any offence under this Act, except on a complaint made by a live-stock officer or any person authorised by such officer in that behalf.

Live-stock officer to be public servant.

20. Every live-stock officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Protection of persons acting in good faith and limitation of suits and prosecutions.

21. (*1*) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules.

(*2*) No suit shall be instituted against [1][the Crown] and no prosecution or suit shall lie against any live-stock officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

Revision.

22. [2][The Provincial Government] may call for and examine the record of any order or the proceedings of any live-stock officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to [2][the Provincial Government] that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

Power of Provincial Government to make rules.

23. (*1*) [2][The Provincial Government] may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(*a*) under section 4, prescribing the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties,

(*b*) under section 5, prescribing the age of a bull after which it shall not be kept without a licence,

(*c*) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed,

(*d*) under section 7, prescribing the conditions subject to which a licence may be revoked,

(*e*) under sections 7 and 11, prescribing the manner in which notice shall be served,

(*f*) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted,

(*g*) under sections 11 and 16, prescribing the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the costs, charges and expenses for the maintenance and sale of a bull shall be determined,

(*h*) under section 17, prescribing the manner and form in which a bull shall be marked and the manner in which a live-stock officer shall enter any premises or other place.

(*3*) Rules made under this section shall be subject to the condition of previous publication in the [3][*Official Gazette*].

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*4*) Rules made under this section shall be laid [1][before each of the Chambers of the Provincial Legislature] at the session [2][thereof] next following and shall be liable to be modified or rescinded by a resolution [3][in which both the Chambers concur] and such rule shall after notification in the [4][*Official Gazette*] be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of [5][the Provincial Government] such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, [5][the Provincial Government] may, by notification in the [4][*Official Gazette*], declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

Power of Provincial Government to apply the provisions of this Act to buffalo-bulls.

24. [5][The Provincial Government] may, by notification in the [4][*Official Gazette*], direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the references to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

Savings.

25. Nothing in this Act shall apply to a bull dedicated in good faith to a religious purpose according to religious custom and usage.

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[1] The words " before each of the Chambers of the Provincial Legislature " were substituted for the words " upon the table of the Bombay Legislative Council " by the Adaptation of Indian Laws Order in Council.

[2] The word " thereof " was substituted for the words " of the said Council ", *ibid.*

[3] The words " in which both the Chambers concur " were substituted for the words " of the said Council ", *ibid.*

[4] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* ", *ibid.*

[5] The words " the Provincial Government " were substituted for the word " Government ", *ibid.*